

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
JUN 03 2007
[Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

LONNIE YOUNGBEAR, aka
Alex Little Bear,

Defendant.

CR 05-10007

OPINION AND ORDER

Defendant pleaded guilty to sexual abuse and was sentenced on January 9, 2006, to 220 months custody. He appealed his sentence and the United States Court of Appeals for the Eighth Circuit affirmed. The mandate issued July 12, 2006.

Defendant filed a motion for relief from judgment or order pursuant to the Federal Rules of Civil Procedure contending that this Court had no jurisdiction. The Federal Rules of Civil Procedure are inapplicable to motions in criminal cases. Where a statute specifically addresses the particular issue at hand, it is that authority which provides a basis for relief. *See Carlisle v. United States*, 517 U.S. 416, 429, 116 S.Ct. 1460, 1467, 134 L.Ed.2d 613 (1996). "A challenge to a federal conviction . . . is most appropriately brought as a motion under 28 U.S.C. § 2255." *United States v. Lurie*, 207 F.3d 1075, 1077 (8th Cir. 2000).

Now, therefore,

IT IS ORDERED that the motion for relief from judgment or order is denied.

Dated this 3rd day of June, 2007.

BY THE COURT:

[Signature of Charles B. Kornmann]

CHARLES B. KORNMANN
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: *[Signature of Barbara J. Paske]*
DEPUTY

(SEAL)